

**Summary of Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
March 28, 2002**

The Department of Water Resources (DWR) hosted the Plenary Group Meeting on March 28, 2002 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following documents are provided as attachments:

- Attachment 1 Meeting Agenda
- Attachment 2 Meeting Attendees
- Attachment 3 Flip Chart Notes
- Attachment 4 Process Update Presentation
- Attachment 5 Study Plan Status Table
- Attachment 6 SP-W2 Contaminant Accumulation in Fish, Sediment and Aquatic Food Chain
- Attachment 7 California On-Line Optimizing System for Scheduling and Updating Schedules (COLOSSUS)

Introduction

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

Process Updates

Where We Are in the Process

Len Marino of DWR welcomed everyone and explained where we are in the collaborative relicensing process. He led discussion of the process milestones/schedule and noted the long-term goal is to have a draft license application by April 2004 and a final application January 2005. Len reminded participants that the main short-term goal is the consensus approval of Study Plans by June 2002. His presentation is included as Attachment 4.

Sharon Stohrer of State Water Resources Control Board asked when in the process DWR contemplates CEQA compliance. Len Marino pointed out that the CEQA process on the schedule graphic would be included within Regulatory Process Integration. Ward Tabor with DWR reminded the Plenary Group that CEQA compliance is needed to acquire 401 State Water Quality Certification, and added that the NEPA draft document is likely also going to serve as the draft CEQA document. One participant asked if there are problems identified with the CEQA and NEPA document, would DWR have to rewrite or re-submit their FERC application. Ward responded that before FERC can make a final decision on the application, final environmental documents need to be submitted and DWR expects through the ALP process to develop a clear understanding with FERC of the issues they need to include in the environmental analysis. Wayne Dyok of the consulting team added that the target date for a Draft Preliminary Environmental Assessment has been shifted from December 2003 to April 2004 and that date should be considered a must-meet deadline.

Len explained that DWR was initiating activities to begin implementation of the approved critical path study plans. He reminded the Plenary Group that they have approved 43 study plans so far and have nine pending and nine more ready for heartburn review at this meeting. That leaves approximately 15 study plans remaining. He also gave a brief update on Scoping Document 1, scheduled for release in June 2002.

Work Group Meeting Abstracts

The Facilitator reminded the Plenary Group that abstracts for work group meetings held since the last Plenary Group meeting are provided as attachments to the meeting agenda.

Cumulative Impacts Approach/ESA Task Force Update

Steve Ford, Environmental Resource Area Manager with DWR reported that the first meeting of the Cumulative Impacts Approach/ESA Task Force was last month and the next meeting is scheduled for this month. Steve noted some progress on general comments was made at their first meeting. The Task Force received draft approach documents and was asked to provide comments or revisions. They expect to have an approach developed within the next couple of months. Steve explained that the Environmental Work Group initiated this Task Force but the approach they develop will be shared with the other work groups. He offered to add anyone that was interested to the distribution list.

Modeling Protocol Task Force Update

Curtis Creel, RAM with DWR reported on the progress of the Modeling Protocol Task Force that was initiated by the Plenary Group in January. The Task Force met last Friday to review the draft protocols. Curtis reported that progress was made and the Task Force decided to schedule another meeting to test the assumptions of the model runs.

Curtis also reported on a Joint Task Force between the Engineering and Operations and the Environmental work groups that will meet on April 15th to discuss the modeling requirements for the Environmental Study Plans. The main goal of the meeting is to focus on geomorphic studies, relationship to vegetation studies and modeling needs.

A third Task Force initiated by the Engineering and Operations Work Group is developing a model run prioritization protocol to describe how individual scenarios are developed and model iterations run. Curtis explained that this Task Force expects to develop a specific protocol to be folded into the general modeling protocol being developed by the Plenary Group's Modeling Protocol Task Force. The results of the Task Force meeting will go back to the Engineering and Operations Work Group for review. Once the Work Group completes their review Curtis recommended that the Plenary Group review it and send any remaining issues back to the Work Group for resolution.

Eric Theiss with the National Marine Fisheries Service mentioned he had attended a meeting on Yuba River/Feather River flood control issues and the group requested that someone from the Oroville Relicensing Collaborative attend their group. Curtis indicated that Mike Bonner with DWR is managing that group. Rick asked if they could make a written request indicating what they would like to know about our program. Curtis will follow-up with Mike Bonner.

Patrick Porgans expressed a general concern about the transparency of the modeling method and added that he can only sign off on models that he feels comfortable with. He indicated that he felt the various modeling task forces were making good progress, it seems to be a very open process for both modelers and non-modelers and he felt there was a good chance he will achieve the necessary comfort level with the modeling program.

Report on Conditionally Approved Study Plans (C1-C4, E1.6)

The Facilitator reviewed the goals for the March study plan review and reminded the participants of the ground rules. She explained that last month the Plenary Group had conditionally approved five study plans, SP-E1.6 and SP-C1 through SP-C4, pending resolution of specific points.

SP-E1.6

Curtis Creel explained that the Engineering and Operations Work Group still had some questions related to the need for the tool described as SP-E1.6 and Ken Kules with Metropolitan Water District suggested the study plan be taken off the critical path list and 'tabled' pending outcome of

the Joint Engineering and Operations/Environmental Task Force meeting. The Plenary Group agreed to remove SP-E1.6 from the critical path list and hold it pending the outcome of the Joint Task Force. If necessary, the Plenary Group can consider the study plan for approval at a later date.

SP-C1

Craig Jones with the State Water Contractors reminded the Plenary Group that their issue was concern over the definition of '100% coverage' as it relates to the field inventory. He reported that SWC, DWR, and FERC participated in a conference call and clarified that the term does not mean all the terrain must be covered by foot. For example, some surveying can be accomplished from a boat with binoculars. Mike Pierce, representing Butte County pointed out that the water level in the reservoir is rising and questioned how lands that were exposed a few months ago that are now underwater would be evaluated. The Facilitator reminded participants that the field crew could begin their fieldwork higher up and would have access to the lower elevations as the water level begins to drop later this year. The Plenary Group agreed that the outstanding issue for SP-C1 has been resolved and the study plan is approved.

Ron Davis asked that when final approved study plans are distributed, each one include a contact number for someone that participants can talk to. Mike Melanson with MWD responded that this could open up the results to lobbying and circumvent the Plenary Group and collaborative process. He prefers to maintain the flow of information through the work groups and Plenary Group to prevent important issues from bypassing the collaborative review process. Wayne Dyok agreed that a contact number on the study plans would allow a means of acquiring specific details or input as long as that information was brought into the collaborative process, but he agreed that the best place to handle such information was in these meetings. The participants discussed a possible contact person and agreed that the information transfer should continue to occur in the collaborative meetings.

Roger Masuda representing Butte County expressed concern about biased studies and asked if DWR would provide qualifications for all of the consultants hired to conduct the studies. The participants discussed the pros and cons of this and determined that resumes would not be indicative of a researcher's potential bias and a strength of the collaborative is in the varied scientific expertise available to monitor the studies. Roger withdrew his request.

Participants continued discussion on specific plans to keep the stakeholders informed and involved in the process. Rick Ramirez with DWR explained that it has never been their intention to complete the study plan development and then not meet with the collaborative stakeholders again until the studies are completed. He stated that his staff has been working hard to pull existing data together; a year and a half has been spent trying to correlate all information. He believes DWR has established a process to be as open as possible and expects to share results as data become available and review study plans periodically through the process. He added that one criteria for those review activities should be that they not slow the people doing the studies down, such as by requiring too many interim reports.

SP-C2, SP-C3, SP-C4

The concerns with these study plans were the same as that for Study Plan SP-C1 so approval of SP-C1 cleared the rest of the cultural resources study plans. The Plenary Group approved SP-C2, SP-C3, and SP-C4.

Work Group Resolution of Study Plan "Heartburn" Issues

The Facilitator asked for heartburn issues with the nine study plans identified for review at this meeting. The following summarizes the comments that were documented during the meeting; see Attachment 5, Study Plan Status Table.

SP-R13

The revised study plan distributed to the Plenary Group did not include some of the changes the Recreation and Socioeconomics Work Group made so the Plenary Group approved SP-R13 pending confirmation that the Work Group changes were made. Doug Rischbieter, RAM for DWR confirmed that survey crews would be out in the field before Memorial Day. The latest version of the study plan will be distributed to the Plenary Group.

SP-R19

SP-R19 was approved by the Plenary Group with minor changes and placed on the April consent calendar.

SP-W3

Study Plan was approved by the Plenary Group with minor changes and placed on the April consent calendar. The Environmental Work Group is working on a global terminology change related to issue tracking and the change will be included in the revised set of Study Plans.

SP-R5, SP-W7, SP-T1, SP-T7, SP-T9, SP-F16

The Plenary Group had no heartburn issues with these Study Plans and placed them on the April consent calendar.

SP-R17

No heartburn issues were raised with the currently released (December 11, 2001) version. An updated version will be distributed to individuals containing changes the Recreation and Socioeconomics Work Group has made. SP-R17 was placed on the April consent calendar.

SP-W2

Steve Ford distributed the most recently revised copies of SP-W2 that included revisions made the day before this meeting (Attachment 6). He explained a compromise position that the Environmental Work Group agreed to yesterday to address the concerns raised by NMFS and the US Fish and Wildlife Service (FWS) related to sediment sampling. FWS would like to have an additional testing site in the Wildlife area and assurance that samples can be safely archived for lab analysis at a later date. NMFS requested clarification of the use of bathymetric data to locate sample sites and determination of appropriate sampling depths. NMFS also suggested that aluminum shouldn't be a big issue at this site, but it should be tested for because it is toxic to fish. Steve requested that DWR continue to work out the specific details with the Environmental Task Force. The SWC stated they are agreeable with the compromise position but request recognition that this study plan protocol is more than would be required by FERC. No other participant raised heartburn issues with SP-W2 and the study plan was conditionally approved pending discussions with NMFS and FWS and Environmental Task Force and Work Group approval.

SP-W5, SP-W9, WP-T3/5, SP-T6, SP-T8, SP-T11

No heartburn issues were raised with the currently released March 19, 2002 versions. These study plans are conditionally approved and will be placed on the consent calendar for April.

SP-T10

Ron Davis had heartburn with the emphasis placed on native communities within this study plan. Steve Ford responded that this study plan also considers plant communities not native but managed for habitat and forage for wintering, foraging and nesting birds. The Plenary Group agreed to approve this study plan and placed it on the April consent calendar. Ron agreed to discuss his concerns regarding non-native plant communities with Steve Ford.

Interim Settlement Agreement

Riverbend Park

Rick Ramirez reported that the Interim Settlement Agreement Task Force meeting scheduled for earlier in the month had to be rescheduled for tomorrow. He is hopeful the Task Force will cover

the remaining items quickly. The implementing plan is in draft form and will be shared with those who need to sign it soon. Rick expects that after some negotiation, the two documents may be ready by the next Plenary Group meeting. Scott Lawrence with Feather River Recreation and Parks District reported that there is some concern that their grant applications for outside funding may not be considered as strong if agreement with DWR is not achieved.

Scott also reported that FRRPD applied for a \$500,000 grant through Proposition 12, to cover the bike trail, some re-contouring, and a recreational facility. Patty Reece-Allen representing Berry Creek Rancheria stated that if FRRPD was planning a cultural center, the Native American community wants the Plenary Group to know that they have not been consulted and are not in support of this. Scott responded that they had developed draft preliminary plans for a natural history/cultural center and he would provide Patty with a contact person at FRRPD to call and discuss her concerns.

Action Items – February 25, 2002 Meeting Action items (inform)

A summary of the February 25, 2002 Plenary Group meeting is posted on the relicensing web site. The facilitator reviewed the status of action items from that meeting as follows:

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| Action Item #P82: | Update the Plenary Group on Cumulative Impacts Approach/ESA Task Force progress. |
| Status: | Participants updated at this meeting. |
| Action Item #P83: | Update the Plenary Group on the Federal/State coordination meeting(s) |
| Status: | Participants updated at this meeting. |
| Action Item #P84: | Representatives from the State Water Contractors (SWC) and DWR will coordinate jointly with Frank Winchell (FERC) to resolve issues associated with survey requirements in the fluctuation zone to resolve questions on SP-C1. |
| Status: | Participants informed that issues were resolved and SP-C1 approved. |
| Action Item #P85: | Provide summaries for models included on the model list and report back to the Plenary Group on the status of the modeling protocol development. |
| Status: | Curtis Creel responded that this is one of the tasks the Modeling Protocol Task Force is working on and expect to have by the June 2002 Plenary Group meeting. |
| Action Item #P86: | Provide Plenary Group with information on what type of operations model is currently being used for the Oroville complex. |
| Status: | Curtis Creel distributed a handout describing the California On-Line Optimizing System for Scheduling and Updating Schedules (COLOSSUS) currently used by DWR. See Attachment 7. |
| Action Item #P87: | Provide the Study Plan Status table developed during the meeting to the Plenary Group. |
| Status: | The item was distributed to participants via e-mail and regular mail. |
| Action Item #P88: | Provide update on flood control jurisdictional issue with Liz Malloy (FERC). |
| Status: | An extension of time was requested by Tim Welch on behalf of Liz Malloy to prepare a response. The Plenary Group agreed to extend more time. |

Action Item #P89: Provide clarification on pump back frequency for inclusion in SP-E1.3, SP-E1.4, SP-E8, and SP-W6 (existing information need).
Status: Curtis Creel reported that his staff is preparing this data and will first present it by season. It appears the average was 6-7% of the time and ranged from nearly 0-15% of generation. Some participants suggested additional ways the data could be presented and Curtis agreed to pursue other ways the data may be used. Curtis will report back when the data is compiled.

Action Item #P90: Provide information on Department of Parks and Recreation (DPR) planning for projected projects in the Project area (covering the next 5-7 years).
Status: Kate Foley with DPR reported that all proposed projects are tentative right now until the State budget is decided so it would probably be best to wait until July to look at DPR's projected projects. One participant made a formal request to DPR for a 1973 planning document for use during the collaborative. Doug Rischbieter reported that DWR has a copy of the document in question. A request was also made for a copy of the draft State Recreation Trail Plan. One participant reported that it is available on the Internet.

Next Steps

The Facilitator reviewed the requests that participants made earlier in this meeting for April agenda items and the participants agreed that in addition to the Study Plan consent calendar and heartburn review of any additional study plans, they would discuss a draft approach prepared by DWR that addresses quarterly updates, issue repository, access to study authors/RAMS, a protocol for data/report management and guidance for Plenary Group review of Work Group decisions.

Next Meeting

The Plenary Group agreed to meet on:
Date: April 23, 2002
Time: 10 am – 6 pm
Location: Kelly Ridge Golf Course Meeting Room

Agreements Made

The Plenary Group agreed to remove SP-E1.6 from the critical path list and hold it pending the outcome of the Joint Task Force.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

Action Item #P91: Review Model Run Prioritization protocol developed by the Engineering and Operations Work Group.
Responsible: Engineering and Operations Work Group will submit protocol to the Plenary Group through the Plenary Group Modeling Protocol Task Force.
Due Date: June 2002

Action Item #P92: Follow-up with Mike Bonner on potential coordination desires of the Yuba River/Feather River flood control work group.
Responsible: DWR
Due Date: April 23, 2002

Action Item #P93: Distribute latest version of SP-R13
Responsible: DWR
Due Date: April 23, 2002

Action Item #P94: Develop draft approach for discussion that addresses quarterly updates, issue repository, access to study plan authors/RAMS and data/report management protocol.
Responsible: DWR
Due Date: April 23, 2002

Carryover Action Items:

Action Item #P85: Provide summaries for models included on the model list and report back to the Plenary Group on the status of the modeling protocol development.

Status: Curtis Creel responded that this is one of the tasks the Modeling Protocol Task Force is working on and expect to have by the June 2002 Plenary Group meeting.

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